



DEPARTMENT OF THE ARMY
KANSAS CITY DISTRICT, CORPS OF ENGINEERS
635 FEDERAL BUILDING
KANSAS CITY, MISSOURI 64106-2896

REPLY TO
ATTENTION OF:

CENWK-PM-PR

2 September 2010

MEMORANDUM FOR DC/Colonel Anthony J. Hofmann

SUBJECT: P.L. 84-99 Levee Repairs Emergency Provisions for Compliance with NEPA.

1. This memorandum is to request your approval to complete P.L. 84-99 Levee Repairs, from flooding in 2010, using the emergency provision of Engineering Regulation (ER) 200-2-2 Procedures for Implementing the National Environmental Policy Act (NEPA). The emergency provision of ER 200-2-2 allows NEPA documentation to be accomplished after completion of emergency work. Preliminary coordination with the U.S. Fish and Wildlife Service indicates no significant issues in completing environmental documentation during or following repairs. The provision will allow us to move forward with construction of the levee repairs while we complete our NEPA compliance. This ER specifically states that emergency actions are to include flood control and coastal emergency activities pursuant to P.L. 84-99. This ER also states that emergency actions include responding to situations to prevent or reduce imminent risk of life, health, property, or severe economic losses.
2. We are considering these levee repairs to be emergency actions because of the following:
 - a. The need to complete construction of levee repairs as soon as possible and prior to the fall flood season.
 - b. The risk of economic loss from additional flooding of Missouri River agricultural fields.
3. The construction guidelines that we use on these levee repairs has been developed in coordination with the U.S. Fish and Wildlife Service after large flood events in 1993 and 1995, and were used after flood events in 2007 and 2008. These guidelines were developed to insure that P.L. 84-99 levee repairs avoid adverse impacts to environmental resources including wetlands, fish and wildlife, and cultural resources. Though future levee repair alignments are not known at this time, these repairs are not anticipated to have significant environmental impacts due to the use of these guidelines. Because of this, in accordance with ER 200-2-2, we do not consider these actions to be major in scope or to potentially have significant environmental impacts and therefore these emergency actions do not need to be referred through NWD to HQUSACE.

4. Efforts will be made to complete NEPA prior to the emergency work. However, dependent on the number of request for assistance that we receive, using this emergency provision of ER 200-2-2 will allow us to avoid impacts to our existing work load.
5. Recommend approval of the emergency provision of ER 200-2-2 for completing the environmental documentation in support of levee repairs.
6. Point of contact is Mr. Glenn Covington, PM-PR, 816-389-3141.

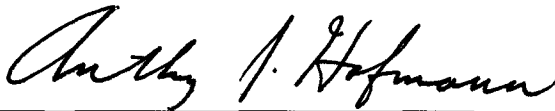


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Steven A. Fischer
Chief, Environmental Resources Branch

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Approved

____ Not Approved



ANTHONY J. HOFMANN
Colonel, Corps of Engineers
District Commander

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(Date)